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REMARKS

This application has been reviewed in light of the final Office Action dated November 1, 2006 in connection with the above-identified application. Claims 23-41 are still pending and under examination, with claims 23, 24, 30, 36 and 41 being in independent form.

Claims 23-41 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,124,099 to Mesaros.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 23, 24, 30, 36 and 41 are patentable over the cited art, for at least the following reasons.

This application relates to techniques devised by Applicant for enhancing product sales in Internet transactions by offering promotions functionally related to an initial order the buyer places, in order to induce the buyer to increase the order or place an additional order. Unlike the cited art, the claimed subject matter of this application provides for comparing the initial order to a minimum quantity, and displaying promotion information only if the initial order meets or exceeds a minimum quantity. No promotion information is displayed if the initial order does not meet or exceed the minimum quantity (although the initial order is processed as specified by buyer). Each of independent claims 23, 24, 30, 36 and 41 addresses these features, as well as additional features.

Mesaros, as understood by Applicant, proposes an electronic forum ("deal room") wherein a seller initially establishes a volume pricing structure (that is, lower per unit price for larger quantities) for a product. This price structure is made available electronically to prospective buyers of the product. During a pre-established period of time ("open session"), buyers can place orders for the product. Under the volume pricing scheme proposed in Mesaros,

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a buyer obtains a final per unit purchase price (that is equal to or lower than the per unit price based on the buyer's unit alone) depending on the total quantity collectively ordered by all buyers during the pre-established time period.

In the approach proposed by Mesaros, the product information sheet is displayed to the buyers in a deal room since the beginning of the open session. Presentation of the displayed product information sheet is not contingent on the buyer placing an initial order above a minimum quantity.

Further, after the buyer places an initial order, no promotional information is displayed.

Figure 13 of Mesaros, cited in the Office Action, illustrates a product information sheet completed by a seller to open an electronic forum to implement the above-mentioned volume pricing methodology, that is, the product information sheet shows multiple ranges of product quantities and the price per product for each range. As discussed in Mesaros, column 5, lines 50-57, the total quantity of products ordered by all buyers is calculated at the end of the open session, and the product is sold to all buyers at the same price based on the preset price for that total quantity, in accordance with the product information sheet.

Mesaros fails to teach or suggest comparison of the initial order to a minimum quantity, and displaying promotion information only if the initial order meets or exceeds a minimum quantity.

Mesaros, column 11, lines 15-22, states as follows:

... In step 520 the processor 100 determines if the order placed by the buyer meets the minimum order quantity as set by the seller 20 in step 460 (FIG. 9) above. If the minimum order quantity has not been met, the processor 100 proceeds to step 525. In step 525, the processor 100 informs the buyer 15 that the minimum purchase requirement has not been met and requests the buyer 15 to enter a new order quantity if desired...

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Thus, in Mesaros, steps 520 and 525, the minimum purchase requirement is a test for whether the buyer's order will be accepted and is not a test for whether promotional information will be displayed.

In the claimed subject matter of the present application, a "minimum quantity" is not a pre-requisite for accepting an order but is instead used as a reference for comparison with the initial order placed by a buyer for the purpose of prompting one of two responses: (i) processing the initial order without displaying a promotion if the initial specified quantity is less than the minimum quantity, or (ii) delivering information regarding a selected promotion that is contingent on a revision of the initial order to make additional purchase if the initial specified quantity meets or exceeds the minimum quantity.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 23, 24, 30, 36 and 41, and the claims depending therefrom, are patentable over the cited art.

Mesaros also fails to teach or suggest that if the specified quantity of the specified product is in a second range higher than the first range, to deliver to the customer side display, information indicative of at least a second promotion that is different from the first promotion.

The Examiner cited Figure 4 of Mesaros as allegedly disclosing the above-mentioned feature of claim 25 of the present application.

Figure 4 of Mesaros illustrates two time instances, t1 and t2, both falling within the open session time period, in which two buyers, Buyer A and Buyer B make purchases. In Figure 4 label 188, Buyer A at time t1 is provided information regarding the current price per product of the offered product in the deal room. This current price per product offered at time t1 is a function of the total products purchased as of time t1. A lower price per product becomes

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available to all buyers if a purchase by Buyer A at time t1 and/or Buyer B at time t2 places the total quantity purchased in a higher range set by the seller's price schedule.

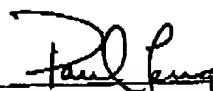
Figure 4 does not teach or suggest a method where a buyer is prompted with a first promotion or a second promotion. Under the volume pricing scheme of Mesaros, a buyer realizes a final purchase price (that may be equal or lower than the purchase price available at the time of his order) depending on the total quantity collectively ordered by all buyers. Mesaros does not teach or suggest delivering to any particular buyer different promotion offers depending on whether the initial specified quantity by that buyer falls within a first range or a second range.

For the reasons set forth hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
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